

****NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

JOSEPH MARK DAIGLE

§

VS.

§

CIVIL ACTION NO. 9:20-CV-95

ASSISTANT WARDEN PEREZ, ET AL.

§

**ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ACCEPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Joseph Mark Daigle, a prisoner confined at the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Assistant Warden Perez, Warden Butcher, Assistant Warden Bell, Grievance Administrator A. Stephenson, and Sergeant Patrick Cutsinger.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing the action with prejudice pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration of all the pleadings and the relevant case law, the court concludes that the petitioner's objections lack merit. Plaintiff's claim that

the defendants failed to investigate the theft of his money is not cognizable under 42 U.S.C. § 1983. *Geiger v. Jowers*, 404 F.3d 371, 374 (5th Cir. 2005).

ORDER

Plaintiff's objections (docket entry #17) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (docket entry #15) is **ACCEPTED**. A final judgment will be entered in accordance with this order.

So ORDERED and SIGNED, Jun 13, 2021.

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark
Senior Judge